

FARMINGTON CITY COUNCIL MEETING

Tuesday, September 18, 2007

CITY COUNCIL CLOSED SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Peterson, Attorney Jody Burnett, and Recording Secretary Kami Mahan.

_____ **Councilman Dutson** made a motion to open the meeting at 5:30 p.m. The motion was seconded by **Sid Young**, and passed unanimously.

Councilman Young made a motion to close the meeting. The motion was seconded by Council Member **Paula Alder**, and passed unanimously.

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, and Recording Secretary Kami Mahan.

Mayor Harbertson began discussion at 6:05 p.m. The following items were reviewed:

Agenda Item #2: Approval of Minutes of Previous Meetings

Paula Alder corrected the spelling of the name Tia Wesche, on the City Council minutes from September 4, 2007.

Agenda Item #3: Planning Commission Report

Mayor Harbertson said this item will be passed until the regular meeting.

Agenda Item #4: Public Hearing: Consideration of request to amend OTR Zone text to permit accessory buildings in the property side yards (AT-8-07) (Request withdrawn)

_____ Mayor Harbertson explained that this agenda item was withdrawn at the request of the applicant and city staff.

Agenda Item #5: Consideration to Amend 11-11-030 of Zoning Ordinance by Eliminating Two Family Dwellings as a Conditional Use in the LR, S and LS Zones (ZT-7-07) - David Peterson

_____ **Mayor Harbertson** explained that this is a public hearing that deals with a zoning ordinance concerning two family homes as a conditional use in the LR, S and LS Zones. **David Petersen**

explained that this eliminates this use in those zones, and has been discussed in past City Councils. **Mayor Harbertson** said that this does not affect condominiums, which are developed under planned unit developments.

Larry Haugen said that there are certain areas of the City where this use would be appropriate, and would provide housing for people who want to be in Farmington but would have to go to other cities for this kind of housing. **David Petersen** explained that secondary dwelling units are allowed in some zones if the first unit is owner occupied, and asked if these were wanted in LR zones. **Mr. Haugen** said he was concerned that mother in law apartments cannot be rented after the in-laws are gone.

Agenda Item #6: Consideration of Ordinance rezoning Trophy Homes development site southeast of Justice Complex and southeast of Farmington Creek and west of 650 West Street from A to AE/ Public Hearing: Consideration of Schematic Plan approval for Whist Creek Subdivision - Trophy Homes

Mayor Harbertson explained that two actions need to be taken during City Council meeting. One is the adoption of an ordinance on the re-zoning from A to AE following an earlier public hearing, and the other is a public hearing on the schematic plan. He explained the negotiations which have taken place. The trail along the east and north side of the development as proposed on earlier site plans have been taken off the plan and replaced with two and a half acres of open space adjacent to a planned City park. The developer will dedicate 29 feet of property to the City to help make a grand entrance to the park. There will be 12 foot park strips for a tree lined street.

Sid Young said he was contacted by a property owner across the street from the development, (Kelly Maxfield), who expressed concern about the future of the property if it is rezoned. **Mr. Young** asked if the same proposed development could be accomplished by having the property remain in the A zone. **David Petersen** said this could not be done. The lot size requirements of A and AE zones, and various aspects of this proposal, were discussed. **David Petersen** explained that an exception to the 24 lot limit on a dead end street is necessary because the City has requested that the lots face off of 650 West. The Planning Commission recommends an exception on the basis of fairness for having complied with a City request. The lots will have animal rights, but most people do not want them. Possible ramifications of the development agreement, re-zoning, and conservation easements were discussed.

The City Council moved to the west conference room at 6:30 p.m, where the previous conversation was continued. The Council discussed Brock Johnson's request for clarification on requirements for Symphony Village Subdivision and zoning enforcement issues related to Glen Maughan's property.

Agenda Item #7: Joint work session with Planning Commission to hear report of Tim Taylor, independent traffic engineer, hired by City to evaluate UDOT request for amending City's Transportation Plan to accommodate a Legacy North to Legacy Connection

Mayor Harbertson explained that **Tim Taylor**, an independent traffic engineer, will be present at City Council meeting to present his evaluation of the possible options for a Legacy North Connection. The Planning Commission members will be present. **The Mayor** said that the Council's job at this meeting will simply be to receive information and accept the report. The Planning Commission previously tabled the issue but it will be back on the agenda for the next Commission meeting. **Mayor Harbertson** said that the issue will be considered by the City Council again on October 2nd.

Mayor Harbertson said that he has been contacted by certain citizens who want to have decisions on this issue delayed until the new City Council is sworn in January. **The Mayor** stated that it is the City's responsibility to make decisions on issues as they arise and not to pass issues onto another Council. He also said he does not want this to become a campaign issue, that there is continuing development growth and it is not wise to delay decisions.

Agenda Item #8: Boundary Line adjustment request for property at 1244 North Main Street (Brass Comb - Kent Bailey)

Mayor Harbertson stated that this item was tabled at a recent City Council meeting due to questions the City Council had on the issue.

Agenda Item #10: Consideration of amended Development Agreement, License Agreement, Service and Maintenance Agreement between City and Farmington Development Corporation (Garbett Homes)/Acceptance of right of way and easement for water lines.

Mayor Harbertson reviewed details of the Development agreement, the License agreement, and the Service and Maintenance agreement. He pointed out an added paragraph on page 4 of Exhibit F of the Development agreement concerning landscaping on the north phase. The Council discussed the curb cuts in the development. Pertaining to the Service and Maintenance agreement, **Mayor Harbertson** and **Max Forbush** clarified the different responsibilities of the City, the developer, and the Homeowners Association.

The work session adjourned at 6:55 p.m.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner

David Petersen, Planning Commission Chairman Jim Talbot, Planning Commission members John Bilton, Kevin Poff, Cory Ritz, Rick Wyss, City Recorder Margy Lomax, Recording Secretary Kami Mahan, and Youth City Council Member Sidney Gibson.

Mayor Harbertson called the meeting to order at 7:05 p.m. **Larry Haugen** offered the invocation. The Pledge of Allegiance was led by **Bronson Cussler**.

The Mayor welcomed members of the Youth City Council.

APPROVAL OF MINUTES OF PREVIOUS MEETING (Agenda Item #2)

Rick Dutson moved to approve the minutes of the September 4, 2007 City Council Meeting. **Larry Haugen** seconded the motion with changes as noted. The voting was unanimous in the affirmative.

REPORT OF COMMITTEES / MUNICIPAL OFFICERS (Agenda Item #3)

Planning Commission Chairman Jim Talbot reported proceedings of the Planning Commission meeting held September 13, 2007. He covered the following items:

- The Planning Commission recommended approval for the Schematic Plan for Trophy Land Development.
- The Planning Commission recommended approval for the Schematic Plan for Nicholl's Nook PUD Subdivision.
- The Zone Text Amendment request to amend the OTR to permit accessory buildings in property side yards was withdrawn by the applicant.

David Peterson covered the following items:

- The consultant for the Scenic Byway committee would like to make a presentation to the City Council and the Planning Commission on either October 11th or October 25th. The City Council agreed to the date of October 25th.

[David Hale arrived at the meeting at 7:17 p.m.]

PUBLIC HEARING: CONSIDERATION OF REQUEST TO AMEND OTR ZONE TEXT TO PERMIT ACCESSORY BUILDINGS IN THE PROPERTY SIDE YARDS (AT-8-07) (REQUEST WITHDRAWN) (Agenda Item #4)

No action was taken on this agenda item.

**PUBLIC HEARING: CONSIDERATION TO AMEND 11-11-030 OF ZONING ORDINANCE
ELIMINATING TWO FAMILY DWELLINGS AS A CONDITIONAL USE IN THE LR, S,
AND LS ZONES (ZT-7--07) - DAVID PETERSON (Agenda item #5)**

David Peterson explained that members of both past and present governing bodies have long considered changing the ordinance, and City staff does not think two family dwellings would be wise if traditional single family neighborhoods are to be preserved.

Public Hearing Opened

_____ **Mayor Harbertson** opened the meeting to a public hearing at 7:20 p.m.

Susan Dehaun asked for a clarification on whether the ordinance change would allow people to rent out their basements if they are living in the home, and what areas of the City would be affected by the ordinance.

Mayor Harbertson explained that the present LR ordinance does not allow in-home rental situations. The City Council will be reconsidering this issue in the future to allow for rentals if the owner lives upstairs. He clarified that LR zoning does not include the old town area. **David Peterson** said that the issue is too late for this agenda but will be considered later.

Public Hearing Closed

With no further comments from the public, **Mayor Harbertson** closed the public hearing at 7:23p.m.

_____ **Mayor Harbertson** said that past and present City Councils have questioned the wisdom of having the option of two family dwellings included in the LR zone as it applied to conservation subdivisions.

In response to a comment by **Larry Haugen**, **Mayor Harbertson** clarified that the zone change would eliminate all two family dwellings. **Mr. Haugen** said he disagreed with doing this. **David Hale** asked if this action was recommended by City staff, and **Mayor Harbertson** replied that it was because two family dwellings fit within the R2 zone.

Motion

Sid Young made a motion to amend Section 11-11-030 of the Zoning Ordinance by Eliminating Two Family Dwellings as a Conditional Use in the LR, S, and LS Zones.

Rick Dutson clarified that the amendment will not prohibit secondary dwellings in the future, but that the concern is in preventing over density. **Larry Haugen** suggested the motion be amended to include a statement concerning the timeliness of future review. **Sid Young** amended the motion to include a clause that the City Council will respond to the issue within 90 days. **Mayor Harbertson** clarified that City staff will bring the secondary dwelling option before Planning Commission and the City Council within the next 90 days.

Rick Dutson seconded the motion. The City Council approved the motion by a vote of 4 to 1, with Councilman Haugen voting against.

CONSIDERATION OF ORDINANCE REZONING TROPHY HOMES DEVELOPMENT SITE SOUTHEAST OF JUSTICE COMPLEX AND SOUTHEAST OF FARMINGTON CREEK AND WEST OF 650 WEST STREET FROM A TO AE/ PUBLIC HEARING: CONSIDERATION OF SCHEMATIC PLAN APPROVAL FOR WHIST CREEK SUBDIVISION - TROPHY HOMES (Agenda item #6)

Mayor Harbertson explained that the public hearing for rezoning has already occurred, and that this is a public hearing to consider the schematic plan for the property.

David Peterson referred to an overhead map and aerial photo of the area and pointed out the property. The property is Master planned for rural residential density, for which the typical zone is AE in that area. The developer is proposing two and a half acres of open space. The schematic plan does not meet the 25 percent open space requirement, but City staff recommended that a waiver is justified for several reasons.

The streets in the development will be asphalt, and will be 32 feet wide instead of 27 feet. There are also 12 foot park strips planned. Mr. Peterson also pointed out that there will be an attractive monument entry, and that the homes on 650 West will be facing toward the interior streets. There is also a potential open space parcel.

Mr. Peterson said there is an exception to be considered regarding the schematic plan. He explained that the plan had included a road with a four way intersection which was later removed on advice from City staff to allow for an enlarged entry. This caused 28 lots on one point of access, which exceeds the 24 lot limit. The Planning Commission thought it was unfair to penalize the developer for following staff's advice, so they are recommending an exception based on those grounds. These findings were contained in a letter to the City Council dated September 14, 2007.

Sid Young expressed concern about the issue, and suggested including a six month sunset clause in the motion to prevent a new property owner from presenting a proposal that does not have the same features as what is now being proposed.

Motion

Council Member Young made a motion to approve the Ordinance Rezoning Trophy Homes Development Site from A to AE, with a sunset clause of six months. **David Hale** seconded the motion, which passed by a unanimous vote.

Public Hearing

Mayor Harbertson opened the meeting to a public hearing at 7:35 p.m. and invited public comment.

Neils Plant - (311 South 650 West, Farmington) asked if people will be allowed to build a residential home on the 14,000 sq ft lot (Lot 4). **Mayor Harbertson** explained that in the development agreement, the property was donated to the City and will be deeded back to the developer to sell to the adjacent property owner. He said it is too small to be a building lot.

Mr. Plant raised the possibility that the adjacent property owner could buy the lot and later build a house on it. He also expressed concern over the placement of utility lines. **Mr. Plant** asked about residents getting access to their property from 650 West, and suggested that if they have gates, that they swing inward rather than outward. He expressed appreciation to the City Council and Planning Commission for listening to the concerns of west Farmington residents. He said he hopes the development materializes.

Tauna Homer - (586 West 250 South, Farmington) complimented the City for working hard to meet the needs of the community and have proper zoning. She said this is a good example of what happens when standards are kept, and said that it will be good for the neighborhood.

Public Hearing Closed

Mayor Harbertson closed the public hearing at 7:40 p.m.

The Mayor gave a short history of the development and complimented the developer on his efforts to comply with the standards and requests of both the City and the neighboring residents. He said that the schematic plan approval is subject to a development agreement, as well as a waiver of the full open space requirement.

Rick Dutson made a motion to approve the Schematic Plan for the Whist Creek Subdivision, predicated upon the letter dated September 14, 2007, to Bill Pepperone of Trophy Homes containing the Planning Commission comments and findings, the Mayor's comments, that a development agreement be entered into, and that the Waiver of Open Space Agreement be established.

David Hale seconded the motion, which passed by a unanimous vote.

JOINT WORK SESSION WITH PLANNING COMMISSION TO HEAR REPORT OF TIM TAYLOR, INDEPENDENT TRAFFIC ENGINEER, HIRED BY CITY TO EVALUATE UDOT REQUEST FOR AMENDING CITY'S TRANSPORTATION PLAN TO ACCOMMODATE A LEGACY NORTH TO LEGACY CONNECTION. (Agenda Item #7)

Tim Taylor of WCED Engineers, Inc., addressed the City Council and members of the Planning Commission regarding his "Legacy North to Legacy Connection Evaluation Study". Mr. Taylor is an independent engineer who was hired by the City to evaluate the Utah Department of Transportation's request to amend Farmington City's Master Transportation Plan to preserve a corridor for a future Legacy Parkway to North Legacy Highway connection throughout the City. His report in its entirety is included herein as Exhibit "A" to these minutes.

Motion

Rick Dutson made a motion to accept the report by Tim Taylor evaluating UDOT's request for amending the City's Transportation Plan. The motion was seconded by **Sid Young**, and passed by unanimous vote.

Rick Dutson moved to amend the previous motion to include Mr. Taylor's power point presentation material as part of his official report. **Sid Young** seconded the motion, which passed by a unanimous vote.

BOUNDARY LINE ADJUSTMENT REQUEST FOR PROPERTY AT 1244 NORTH MAIN STREET (BRASS COMB - KENT BAILEY) (Agenda Item #8)

Mayor Harbertson said that when this issue was previously brought before the Council, there were questions concerning the use of the property, and asked the applicant for clarification. The property at 1228 North Main goes behind the Brass Comb and is used for employee parking. It is desired to adjust the property line between the two parcels to make it straight.

Kent Bailey of the Brass Comb explained that the back portion has always been used for employee parking, and he would like that to continue. He said he would like the boundary line changed so that it would reflect the actual use of the property. In response to questions from the Council, **Mr. Bailey** said the parking area is gravel and not asphalt because it is only for employee parking.

Council Members questioned whether this was a zoning issue, and **Mr. Bailey** replied that **David Peterson** had indicated to him that a waiver of the lot size requirement could probably be granted because the owners are not trying to develop or sell the property

Larry Haugen pointed out that the property is a commercial use rather than residential. **Paula Alder** raised the issue of vehicles on the property overnight, which the Council discussed. **Mr. Bailey** said that personal equipment and vehicles are on the property, some of which are not licensed.

David Hale asked whether this commercial use can be done on the back lot, which is zoned LR. **David Petersen** explained that if Mr. Bailey wishes to expand the parking area he would have to go to the Board of Adjustment, and that a boundary adjustment is not an approval. In response to a question from **Max Forbush**, **David Petersen** said that getting a boundary line adjustment does not preclude him from going to the Board of Adjustment to modify the site plan. The reason for the adjustment is to square off the lot. He explained that if Mr. Bailey had 40,000 square feet he would not need to come before the Council, but that he needs a waiver to dip below 20,000 square feet per lot. **Mr. Bailey** can do the property line adjustment if he receives the waiver.

Mayor Harbertson asked whether conditions can be placed on the waiver. **David Petersen** said violations are an enforcement issue now that staff knows about it. **David Hale** said the applicant must cease and desist or there will be an enforcement problem. **Mayor Harbertson** said there may be an enforcement issue about things for sale being on the sidewalk. **Paula Alder** said things can be for sale on the porch but not on the sidewalk. There is an ongoing garage sale, and **David Petersen** said there can be only four garage sales per year.

Mayor Harbertson called for a motion. No motion was made. **Rick Dutson** said that regardless of whether there is a boundary adjustment he is concerned that the proliferation of vehicles in the back lot would become an eyesore in the community. Other Council members agreed. He said he does not want to encourage that type of storage. Once this kind of problem develops, it is difficult to get it undone. **Mr. Dutson** said he does not have a problem with the boundary line adjustment and employees parking there, but he does not want to see stored cars with weeds grow around them, or the cars used for parts.

Larry Haugen said that **Mr. Bailey** needs to adhere to vehicle requirements in order to be granted a waiver or boundary line adjustment. **Max Forbush** addressing Mr. Bailey wondered, since the City Council is nervous, if **Mr. Bailey** would make a commitment to refrain from storing cars there. **Kent Bailey** said that he does not want to upset people, and that he does not want the property to be offensive. He said they will fix it up and will comply with regulations.

_____ **Mayor Harbertson** asked exactly what the waiver could be. **David Petersen** explained that it would be to allow a lot to have less than the minimum 20,000 square feet.

Motion

Larry Haugen made a motion to grant a Waiver for the Boundary Line Adjustment. **David Hale** said this will still have to go the Board of Adjustment, and **Max Forbush** said that City staff will make a report of the existing conditions. **David Hale** seconded the motion, which passed unanimously.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #9)

- _____ - Ratification of Approvals of Construction Bond Agreements.
- _____ - Approval of June's Disbursement List .

Motion

Sid Young moved to approve the Summary Action List. **David Hale** seconded the motion, which passed by unanimous vote.

CONSIDERATION OF AMENDED DEVELOPMENT AGREEMENT, LICENSE AGREEMENT, SERVICE AND MAINTENANCE AGREEMENT BETWEEN CITY AND FARMINGTON DEVELOPMENT CORPORATION (GARBETT HOMES) /ACCEPTANCE OF RIGHT OF WAY AND EASEMENT FOR WATER LINES.(Agenda Item #10)

Amended Development Agreement

_____ Mayor Harbertson introduced this Agenda item, and referred to paragraph 7 of the Maintenance Agreement, which is a new paragraph dealing with landscaping. He emphasized that this item is subject to approval for such landscaping from UDOT, which is the applicable outside property owner. **The Mayor** said that City staff has reviewed and approved of the amended agreement.

Mayor Harbertson also said that he is impressed with the landscaping plans, which were briefly discussed. **Noel Balstead** of Garbett Homes stated that he is working on setting up a meeting with Tom Smith of Davis County regarding landscaping enhancement around Davis County's detention pond located at the east edge of the proposed development.

Motion

David Hale moved to approve the Amended Development Agreement between the City and Farmington Development Corporation (Garbett Homes). **Paula Alder** seconded the motion. **Mayor Harbertson** pointed out that the slip ramp is part of the agreement. The motion passed by unanimous vote.

Licensing Agreement

Mayor Harbertson explained this Agreement, and pointed out that curbing options are illustrated in the Agreement with yellow, blue and red sections. He asked for a clarification of whether old curb cuts on the south end of the development are shorter. **Noel Balstead** said that the old ones have been replaced, and the new ones are larger, which creates uniformity through the development.

David Hale asked **Mr. Balstead** if there had been a problem with guest parking violations, and **Mr. Balstead** replied that there was continued enforcement on a regular basis. The on-site parking manager is effective. **The Mayor** said he has heard from citizens that the enforcement of parking has made a real difference in Farmington Crossings.

In response to a question by **Sid Young**, **Mayor Harbertson** said that approval of the motion will be subject to verification of the cutouts by the City Engineer.

Motion

Sid Young moved to approve the License Agreement between the City and Farmington Development Corporation (Garbett Homes), subject to verification by the City engineer of the cutouts. The motion was seconded by **Paula Alder**, and passed by a unanimous vote.

Service and Maintenance Agreement

Mayor Harbertson said that the Agreement clarifies the developer's responsibilities concerning maintenance of the water laterals. He pointed out the additions which were added to the Agreement clarifying that the beginning point of maintenance on the service laterals was at the corporation stop valve or valve at the water main line.

Motion

David Hale made a motion to approve the Service and Maintenance Agreements. **Rick Dutson** seconded the motion. **Mayor Harbertson** pointed out that in the case of a water problem, the developer would take the first initiative to correct it. The motion passed by a unanimous vote.

Acceptance of Right of Way and Easement for Water Lines

Mayor Harbertson said this Agreement would have a sentence added, stating that Farmington City accepts the easement to meet the requirement of the County Recorder's office.

Motion

David Hale made a motion to authorize the signing of an Acceptance of Right of Way and Easement for Water Lines. **Paula Alder** seconded the motion, which passed by a unanimous vote.

Mayor Harbertson explained that some Centerville and North Salt Lake Garbett developments have had similar problems. People who have pre-committed to buy a Garbett home have become impatient for the issues to be resolved, and are withdrawing from their units in the development. Even though the plat is not yet recorded, Garbett would like to begin footings and foundations on one patio unit (which is six units). The Mayor said that they recognize the risk, and that this shows the developer wants to move forward on the project.

The Mayor also said that Garbett's intent is to record the plat for one building and complete it as a first phase. **Max Forbush** suggested making the motion subject to satisfying the requirements of the building inspector. **David Hale** expressed some suspicion of Garbett's motives. **Max Forbush** said that the alignment and design for the development have already been approved at the Master Plan phase and that the plat will spell out the lots in detail. They have it prepared but it will have to go through the preliminary approval process with the Planning Commission before it comes back to the City Council. Under normal circumstances a subdivision would not be issued a permit until the plat is recorded, but in this situation he has spoken with [Eric and David] , who indicated that the developer can proceed at its own risk.

Mayor Harbertson said that the proposal is to do the first building off of the parkway in the main area.

Motion

David Hale moved to authorize City staff to allow a permit for the footings and foundations of the first building as indicated by the notation. **Rick Dutson** seconded the motion. **Sid Young** clarified that this action is at the direction of the inspector. The motion passed by a unanimous vote.

Noel Balstead pointed out to the Council that Farmington Crossing has received the attention of in state and out of state architects, and is second on the list for architects to study after the Daybreak development

CONSIDERATION OF ENGINEER'S RECOMMENDATION FOR FURTHER TREATMENT OF WOODLAND PARK WELL (Agenda Item #11)

Mayor Harbertson invited **Paul Hirst** of CRS Engineering to give an update on recommendations for further treatment of Woodland Park Well. **Mr. Hirst** introduced **Dana Schuler**, an engineer from the firm who has been monitoring the well situation. He also invited **Bob Ramsey** to address the Council.

_____ **Mr. Ramsey** said that the key piece of analysis was to compare the additional costs of treating the well as opposed to abandoning the present well and begin purchasing Weber Basin water. In this case, if the next phase of treatment is successful, there would be a payback of less than a year.

In response to a question by **David Hale**, **Mr. Ramsey** said that Farmington's well problem is not unique and that a few other projects have had similar problems.

Mr. Ramsey said that if the next phase of treatment is successful, the total cost of rehabilitation, (both the initial phase and the one proposed) as compared with purchasing Weber Basin, would be paid back in 2 ½ years, which he feels is reasonable payback. **Mayor Harbertson** said that it is critical to consider the analysis of the Public Works department, which suggested implementing the re-treatment proposal.. **The Mayor** stated that it is important to keep the well running continuously in order to prevent bacteria build-up.

In response to questions about the differences in treating the well this time as opposed to the last time, **Bob Ramsey** explained that the most important action they are taking is to utilize a different acid than was used previously, which should be more effective. Concerning past challenges with flushing, **Mr. Ramsey** said that this time a larger pump would be used, and that rather than having the contractor install his test pump, CRS will install the City's new pumping equipment, which will save the City approximately \$20,000 and one or two weeks worth of time.

Mr. Ramsey said that they will also be using an operational approach after re-treatment is completed, by having the well running several hours a day. Because the well will be pumping at a smaller rate (500 to 700 gallons per minute), pumping to waste will be shorter in duration, thus preventing the tendency for the well to produce sand.

Concerning the time frame, **Mr. Ramsey** said that the contractor can be on site in three weeks, and during this time CRS will need to go back through the regulatory process and get approval from the State drinking water division for the new chemicals. Treatment will be approximately two to three weeks.

David Hale asked if the chemicals affect the atmosphere in surrounding areas. **Mr. Ramsey** stated that the acids being used have a low ph and that they will dissolve.

Mayor Harbertson referred to a handout from **Max Forbush**, explaining that this effort is being paid for out of the operations budget, and not out of impact fees because the City is not constructing a new well, but rather rehabilitating an old well. He pointed out that specifications have changed for new well construction, so costs have nearly doubled from previous estimates.

Sid Young asked **Bob Ramsey** about the probability of success. **Mr. Ramsey** said that although he was disappointed in the prior effort, his consultant from Kansas believes this well is a good candidate for re-treatment, and that the key will be to make sure the pump is working twenty four hours a day during the flushing process. **Mr. Ramsey** also said that he has instructed the driller to clear all other projects during the time of treatment on the Farmington well.

In response to questions by **Max Forbush**, **Bob Ramsey** said that CRS will use the City's pump to do a 24 hour test to determine yield of the well. He said they will make sure that wells one and two are balanced, and that the same protocol is being followed in both wells.

Mr. Ramsey also said that other wells in the area will be tested for the propensity of bacteria. **Max Forbush** asked about follow-up testing, and **Mr. Ramsey** said that this will probably be a continual operation and maintenance issue. He suggested setting the well up for shock chlorination once or twice per year, and monitoring every six months.

Max Forbush asked **Mr. Ramsey** to clarify that this is an issue of water production and the effect on equipment, and not a concern of water quality or safety standards. **Mr. Ramsey** agreed, and stated that the well bacteria are separate and different than what is monitored for public safety. He said that the chemical analysis of the water showed that it met all state and federal requirements for drinking standards.

Motion

Paula Alder made a motion to authorize Engineers to proceed with Phase 2 of the treatment of the Woodland Park Well. **Rick Dutson** seconded the motion, which passed by a unanimous vote.

REVIEW OF "DRAFT" CAPITAL FACILITIES PLAN FOR IMPACT FEES/ TENTATIVE SCHEDULING OF UPCOMING PUBLIC HEARINGS AND EVENTS (Agenda Item #12)

_____The Council referred to the September 15, 2007, draft of the Capital Facilities Plan for

Impact Fees prepared by Rosenthal Associates. **Max Forbush** explained that this issue will require a minute motion authorizing a public hearing to consider amending the capital facilities plan and adopting an ordinance setting for the impact fee schedule for capital storm water, police facilities, fire facilities, and park and recreational fees. He proposes that this will be considered at the October 16th meeting.

Mayor Harbertson referred to the handout in the agenda for this item, which gives a comparison of Farmington City's impact fees to other area cities, and future fee projections. The Parks and Trails Capital Improvement Plan of approximately \$20,000,000 at the proposed rate would be funded 60% by impact fees and the remainder from general funds. **Max Forbush** told the Council that they do not have to accept this proposed level of fees. **Mr. Forbush** said that the committee which examined this issue recommends that the fees for storm water, fire, and police should remain the same.

Mr. Forbush said that, however, park and recreation costs have more than doubled. He explained that the fees are based on two things: (1) the existing level of service, and (2) plans for the future. The City has a high level of service, and many parks. **Mr. Forbush** said it was hoped to keep the parks and trails cost under \$4,000, and City staff is agreeable with the City Council lowering it to that amount.

Mr. Forbush said that the report suggests: (1) there is a recommendation in the study for adjusting the fees for yearly inflation; (2) the impact fees should be re-evaluated every 3 or 4 years; and (3) there is a question on the effective date. Storm water, parks and water impact fees are collected at the time of development. Police, fire, and transportation impact fees are collected when the building permits are taken out. Staff recommends (a) that a hearing be set for October 16th, (b) the storm water, police and fire impact fees remain the same, and (c) the parks impact fee be adjusted down to lower than \$4,000.

Councilman Young said this is an important matter and he would like time to consider it further.

Max Forbush reviewed the fire protection capital facilities plan. He asked the Council to consider when to set a public hearing on the matter.

Motion

Paula Alder made a motion to Accept for a Public Hearing the Proposed Impact Fees for Storm Water, Parks, Capital Police and Capital Fire Facilities. **David Hale** seconded the motion, which passed by a unanimous vote.

Motion

Paula Alder made a motion authorizing a Public Hearing to consider formal approval of the fees to be held on Tuesday, October 16, 2007. **David Hale** seconded the motion, which passed by unanimous vote.

Max Forbush informed the Council that an effective date for the implementation of the Impact Fees will need to be decided. City staff recommends that those who already have final plat approval on residential lots pay the old fees, and those who do not will pay the new fees. No further discussion occurred on this matter.

Motion

MEET THE CANDIDATES NIGHT (Agenda Item #12)

Paula Alder made a motion for an authorization to hold the “Meet Your Candidates Night” on Tuesday, October 23, 2007 at 7:00 p.m. **Rick Dutson** seconded the motion, which passed by a unanimous vote.

Motion

HEARINGS ON UDOT LEGACY NORTH (Agenda Item #12)

Paula Alder moved to Approve the Tentative Process for considering the UDOT Legacy North to Legacy Highway Connection as follows:

1. Planning Commission Public Hearing on Thursday, September 27, 2007, and
2. City Council Consideration of Planning Commission’s Recommendation on Tuesday, October 2, 2007.

Rick Dutson seconded the motion, which passed by a unanimous vote.

CANVASS OF MUNICIPAL PRIMARY ELECTION RESULTS (Agenda Item #13)

Mayor Harbertson said that the Council has received the certified election results from City Recorder **Margy Lomax** for the municipal primary election. They have been updated. **Margy Lomax** explained that there were 23 provisional ballots, four of which were rejected.

Motion

Larry Haugen made a motion to accept the certified voting results. The motion was seconded by **Rick Dutson**, and passed unanimously.

MAYOR HARBERTSON'S REPORT (Agenda Item #14)

Mayor Harbertson reported on the conference of the Utah League of Cities and Towns. He said that the City newsletters are not getting to the Rose Cove Apartments because they do not receive a water bill. Jeanine Nilson, Utility Billing Clerk, will take 100 copies to the apartment complex office on a monthly basis.

The Mayor asked about the City website video, and **Max Forbush** updated the Council on the progress.

CITY COUNCIL REPORTS (Agenda Item #15)

Paula Alder reported that dinner theater is coming up on October 10th, 11th, 12th and 13th. She said that members who serve food one night get tickets for the play another night. The Youth City Council is covering Thursday night. Help is needed on Wednesday, Friday or Saturday. The Council decided to serve on Wednesday, October 10th, about 6:30 p.m., and five to eight servers are needed.

Rick Dutson said he is spending time on 1500 West and it is a struggle to stay under the speed limit. He questioned if the street could be striped for bike lanes and if a dotted line could be put down the center of the street. The surroundings of the street were discussed. **David Hale** said the street is dangerous where someone parks on the side of the street by the driving range. **Max Forbush** said that it would be expensive to do this and then maintain it. He has received a report from Public Works that they have already exceeded their budget for paint striping. No decision was made to go ahead with the suggestion. **Rick Dutson** also asked for a copy of the contract with the Somerset Homeowners Association, and **Max Forbush** said that he will get this. **Mr. Dutson** said that he appreciated going to the Utah League of Cities and Towns meetings. All actions and communications of the City brand the City in the eyes of those in contact with it. The public does not understand what the City is doing, or what the staff is doing, or that the City is not raising taxes. He suggested a questionnaire on the website to check on public perceptions.

Sid Young reported on going to the League convention. He mentioned that geohazard ordinances were discussed, and LUDMA revisions are being worked on. He questioned whether the City's storm water ordinance was adopted after 2003, as it must contain certain things by March 2008. Max Forbush said that there is an ordinance which is in draft form.

Larry Haugen stated that there was a meeting with the burn plant, which sold property on the north side for \$100,000 per acre. Sixty or seventy acres were sold. He did not agree with a proposal to build a transfer station on land on 650 West that was under four feet of water in

1983, and he said he talked them out of it.

David Hale stated that the Palmer Estates developer said that Benchland is on board, but Benchland said they were not. He suggested that the water piping is underdeveloped, and this subdivision should be slowed until the situation is resolved. Benchland is looking for a reservoir south of forest service land on four or five acres. This would be a good site for fire use and irrigation. The City is anxious to work with them. **Mr. Hale** said the engineers are not sure whether to have an earthen structure or a concrete tank. Scott Parcell may be the new Benchland District Manager.

Councilman Hale also reported on the sound walls at Pond's Park. He said that three or four hundred people were present, along with Kaysville City Council. UDOT originally said that the area did not qualify for a sound wall, but after a further study there will be sound wall after all from Shepard Lane to Burton Lane. He said that UDOT needs 75% acceptance from neighbors to the wall.

MISCELLANEOUS (Agenda Item # 16)

Kaysville City's intent to amend it Master Annexation Declaration Plan

This plan would include the Tanner property on the north side of 1875 North and most of S.R. 273 which leads to Kaysville.

Max Forbush explained that **David Petersen** drafted a letter to the Kaysville Planning Commission expressing opposition to the proposed amendment to the Kaysville Annexation Policy Plan. He also prepared a similar letter for the Mayor to sign. The City Council agreed the letter should be sent.

Recommended privacy hedge at Cemetery

Sid Young thanked City staff for their idea of improving the cemetery. Neil Miller suggested that a privacy hedge be planted adjacent and east of the stone pillars. **Larry Haugen** commented that he is amenable to a height of three or four feet, but not five or six feet. **Mayor Harbertson** said that there is a stigma about the cemetery lots next to the road, and the idea is to give privacy with the bushes. **Larry Haugen** said he likes the open feeling, and does not want the crowded feel of a tall hedge. The Council was in general agreement about the hedge being no more than five feet in height.

Review of Clark Water Company Letter

Max Forbush referred to the September 13, 2007 letter to the Clark Water Company

shareholders, and told the Council that UDOT and Clark Water are ready to settle on the lawsuit between the two. At issue is a requirement of UDOT's for Clark Water to have a \$100,000 perpetual bond for doing any work on their system that is located within the right of way of the Legacy Parkway. The letter requests whether any shareholder will post the bond. This most likely means either Farmington City or Davis County. **Mr. Forbush** said that the question is whether the City should volunteer to do this. **David Hale** said he was against it.

ADJOURNMENT

Rick Dutson moved that the meeting adjourn at 11:22 p.m. The motion was seconded by **Paula Alder**.

Margy L. Lomax, City Recorder